

Senate File 378 - Introduced

SENATE FILE 378

BY QUIRMBACH

A BILL FOR

1 An Act relating to seizure disorders and establishing certain
2 requirements for charter schools, school districts,
3 accredited nonpublic schools, and the department of
4 education.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.13D Seizure action plan and
2 training requirements.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "Individual health plan" means the confidential, written,
6 preplanned, and ongoing special health service developed for a
7 student who requires such service to be incorporated with the
8 student's educational program.

9 b. "School personnel" means principals, guidance counselors,
10 teachers, and other relevant employees who have direct contact
11 with and supervise children, including school bus drivers and
12 paraeducators.

13 c. "Seizure action plan" means a written set of instructions
14 designed to direct caregivers and staff to intervene in the
15 event of a seizure occurrence and is considered a plan for
16 emergencies as a part of an individual health plan.

17 2. a. Commencing with the school year beginning July 1,
18 2024, the governing board in charge of each charter school,
19 the board of directors of each school district, and the
20 authorities in charge of each nonpublic school shall have
21 at least one school employee at each school who has met the
22 training requirements necessary to administer or assist with
23 the self-administration of all of the following:

24 (1) A seizure rescue medication or medication prescribed
25 to treat seizure disorder symptoms as approved by the United
26 States food and drug administration.

27 (2) A manual dose of prescribed electrical stimulation
28 using a vagus nerve stimulator magnet as approved by the United
29 States food and drug administration.

30 b. The presence of a registered nurse employed full-time
31 by a charter school, school district, or nonpublic school
32 who assumes responsibility for the administration of seizure
33 medications, and the administration oversight of vagus nerve
34 stimulation, fulfills the requirements of paragraph "a". This
35 section shall not be construed to require school personnel,

1 other than a registered nurse, to administer a suppository to
2 a student.

3 3. Every school attendance center shall provide training
4 to all school personnel on the recognition of the signs and
5 symptoms of seizures and the appropriate steps for seizure
6 first aid.

7 4. Any training programs or guidelines adopted by any state
8 agency for the training of school personnel in the health care
9 needs of students diagnosed with a seizure disorder shall
10 be fully consistent with training programs and guidelines
11 developed by the epilepsy foundation of America and any
12 successor organization.

13 5. Each charter school and school district shall require
14 school personnel or volunteers responsible for the supervision
15 or care of students to undergo approved seizure recognition and
16 first aid training on a biennial basis.

17 6. This section shall not be construed to limit the
18 authority of a charter school, a school district, or the
19 department of education to require additional seizure disorder
20 training.

21 7. *a.* Prior to school personnel administering a seizure
22 rescue medication or medication prescribed to treat a student's
23 seizure disorder symptoms, the student's parent or guardian
24 shall provide the school with a signed and dated written
25 authorization requesting medication administration at school
26 that meets the requirements of the school's medication
27 administration policy and procedures established in accordance
28 with 281 IAC 14.1.

29 *b.* The parent or guardian of each student diagnosed with
30 a seizure disorder may collaborate with licensed health care
31 professionals, including the school nurse or education team,
32 in the development of an individual health plan, and a seizure
33 action plan if appropriate, consistent with rules adopted by
34 the state board of education. The individual health plan or
35 seizure action plan, based on the student's needs, may include

1 but is not limited to assessment, nursing diagnosis, outcomes,
2 planning, interventions, student goals if applicable, and a
3 plan for emergencies to provide direction in managing the
4 student's health needs. The plan shall be updated consistent
5 with timelines for individual health plans and with rules
6 adopted by the state board of education. Personal information
7 in the plan regarding the student shall be kept confidential
8 as required under the federal Family Educational Rights and
9 Privacy Act, 20 U.S.C. §1232g.

10 c. Each charter school, school district, and nonpublic
11 school attendance center shall keep the written authorization,
12 individual health plan, and seizure action plan on file in the
13 office of the school nurse or school administrator.

14 8. Each charter school, school district, and nonpublic
15 school attendance center shall distribute information regarding
16 the seizure action plan to any school personnel or volunteers
17 responsible for the supervision or care of the student.

18 9. The authorization for the administration to administer
19 medication provided in accordance with subsection 7, paragraph
20 "a", shall be effective for the school year in which the
21 authorization is granted and must be renewed each following
22 school year.

23 10. The requirements of subsections 7, 8, and 9 shall
24 apply only to charter school, school district, and nonpublic
25 school attendance centers that have a student enrolled who
26 has a known epilepsy diagnosis or seizure disorder or has a
27 seizure rescue medication or medication prescribed to treat
28 seizure disorder symptoms approved by the United States food
29 and drug administration prescribed by the student's health care
30 provider.

31 11. Every charter school and school district attendance
32 center may provide an age-appropriate seizure education program
33 to all students on seizures and seizure disorders. The seizure
34 education program shall be consistent with guidelines published
35 by the epilepsy foundation of America and any successor

1 organization. The state board of education shall adopt rules
2 pursuant to chapter 17A for implementation of this section.

3 12. A charter school, school district, or nonpublic school;
4 charter school, school district, or nonpublic school employee;
5 or charter school, school district, or nonpublic school agent
6 acting in good faith and in compliance with the student's
7 individual health plan and the instructions of the student's
8 licensed health care professional, and who provides assistance
9 or services under this section, shall not be liable for any
10 claim for injuries or damages arising from the provision of
11 services provided under this section to students with epilepsy
12 or seizure disorders.

13 13. The department of education shall develop and implement
14 a seizure education program statewide.

15 Sec. 2. DEPARTMENT OF EDUCATION — SCHOOL DISTRICT
16 HEALTH-RELATED TRAINING REQUIREMENTS TASK FORCE.

17 1. The department of education, in collaboration with
18 the department of health and human services, shall convene a
19 charter school and school district health-related training
20 requirements task force to review health-related training
21 requirements established in the Code and the administrative
22 code, with which charter schools and school districts must
23 comply. The task force shall review the current requirements
24 to determine whether the current training requirements are
25 appropriate, identify the classifications of school personnel
26 for whom such training is warranted, develop timelines for
27 frequency of such training and training updates for the
28 classifications of school personnel, and propose modification
29 or elimination of requirements that are outdated. The
30 task force shall develop a uniform training framework that
31 charter schools and school districts may follow to provide
32 health-related training in the most efficient and effective
33 manner.

34 2. Voting members of the task force shall include persons
35 deemed appropriate by the department of education, in

1 collaboration with the department of health and human services.

2 3. The department of education and the department of health
3 and human services shall work cooperatively to provide staffing
4 and administrative support to the task force.

5 4. The task force shall submit its uniform training
6 framework, findings, and recommendations to the general
7 assembly by December 30, 2023.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill requires charter schools, school districts, and
12 accredited nonpublic schools that have a student enrolled
13 who has a known epilepsy diagnosis or seizure disorder or
14 has a seizure rescue medication or medication prescribed to
15 treat seizure disorder symptoms to have an individual health
16 plan, including a seizure action plan if appropriate, requires
17 charter schools, school districts, and accredited nonpublic
18 schools to provide certain training relating to seizures
19 to relevant school employees, requires the state board of
20 education to adopt rules for implementation of new Code section
21 280.13D, and requires the department of education to develop
22 and implement a seizure education program statewide.

23 The bill requires charter schools, school districts, and
24 accredited nonpublic schools to have at least one school
25 employee at each school who has met the training requirements
26 for administering medications and vagus nerve stimulation.
27 The presence of a full-time registered nurse who assumes
28 responsibility for the administration of seizure medications
29 and vagus nerve stimulation meets this requirement. However,
30 school personnel, other than a registered nurse, are not
31 required to administer a suppository to a student.

32 The bill includes definitions and requirements relating to
33 the development of individual health plans and seizure action
34 plans.

35 Every school attendance center shall provide training to

1 school personnel or volunteers responsible for the supervision
2 or care of students. The training must be fully consistent
3 with programs and guidelines developed by the epilepsy
4 foundation of America.

5 Further, each charter school and school district must
6 require all school personnel to undergo approved seizure
7 recognition and first aid training on a biennial basis. The
8 new Code section shall not be construed to limit the authority
9 of a charter school, school district, or the department to
10 require additional seizure disorder training.

11 Prior to administering medication prescribed to treat a
12 student's seizure disorder symptoms, the student's parent or
13 guardian must provide the school with a written authorization
14 to administer the medication at school.

15 The parent or guardian of a student diagnosed with a
16 seizure disorder may collaborate with licensed health care
17 professionals, including the school nurse or education team,
18 in the development of an individual health plan, and a seizure
19 action plan if appropriate, consistent with the state board's
20 rules. The individual health plan or seizure plan, based
21 on the student's needs, may include assessment, nursing
22 diagnosis, outcomes, planning, interventions, student goals, if
23 applicable, and a plan for emergencies to provide direction in
24 managing the student's health needs. The plan must be updated
25 consistent with individual health plan timelines and state
26 board of education rules.

27 Each school shall keep the parent's written authorization
28 requesting medication administration at school, the individual
29 health plan, and the seizure action plan on file in the office
30 of the school nurse or school administrator, and distribute
31 information regarding the seizure action to any school
32 personnel or volunteers responsible for the student. The
33 health plan information is confidential under federal law.

34 Provisions relating to the administration of medication
35 prescribed to treat a specific student's seizure disorder

1 symptoms, and to distribution of information about a specific
2 student's seizure action plan to persons responsible for the
3 supervision or care of the student apply only to schools that
4 have a student enrolled who has a known epilepsy diagnosis
5 or seizure disorder or has a seizure rescue medication or
6 medication prescribed to treat seizure disorder symptoms.

7 Every charter school and school district may provide an
8 age-appropriate seizure education program to all students on
9 seizures and seizure disorders.

10 A charter school, school district, or nonpublic school;
11 charter school employee, school district employee, or nonpublic
12 school employee; or agent who acts in good faith to provide
13 assistance or services in compliance with the student's
14 individual health plan and the instructions of the student's
15 licensed health care professional shall not be liable for any
16 claim for injuries or damages arising from the provision of
17 such services to students with epilepsy or seizure disorders.

18 The bill directs the department of education, in
19 collaboration with the department of health and human services,
20 to convene a charter school and school district health-related
21 training requirements task force to review health-related
22 training requirements established in the Code and the Iowa
23 administrative code, with which charter schools and school
24 districts must comply.

25 Voting members of the task force shall include persons
26 deemed appropriate by the department of education, in
27 collaboration with the department of health and human services.
28 The departments shall work cooperatively to provide staffing
29 and administrative support to the task force.

30 The task force shall submit its uniform training framework,
31 findings, and recommendations to the general assembly by
32 December 30, 2023.